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**Date:** 4/26/2013

**GAIN Report Number:** CH13020

## China - Peoples Republic of

**Post:** Beijing

### The Food Safety Management System in China

**Report Categories:**

FAIRS Subject Report

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**Report Highlights:**

The political toll and economic backlash from a history of food safety scandals have influenced an ongoing evolution in China's food safety management system. A lack of coordination amongst regulators and inconsistencies in the development, interpretation, and enforcement of food safety standards weakened regulatory oversight and created systemic vulnerabilities. Consequently, China's leaders have been taking steps to increase cohesion in government supervision, unify food safety standards, and toughen penalties for non-compliance. Recent refinements accentuated this shift toward a more vertical, product-oriented structure in China's food safety management.

# **The Food Safety Management System in China**

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## **The Food Safety Management System in China**

Long ago, Silk Road traders crossing Central Asia brought an array of foreign foods to China, enhancing an already rich tapestry of Chinese cuisine tinted with ethnic hues from regional ingredients. The common Chinese saying, “South is sweet, North is salty, East is spicy, West is sour,” reflects this mixture of culinary influences and product preferences across China’s vast landscape.

Recently, though, trade has brought less favorable influences to China’s food culture. A historic transformation in economic policy swelled food production and processing on a tide that outran regulatory guidance. News of intentional adulteration, contamination, and poisonous residues in China’s food products streaked across world markets. Foreign authorities closed their borders to high-risk products and erected safety screens to protect their consumers from China’s tainted foods. China’s consumers criticized their government’s inability to ensure food safety. The political toll and economic backlash drove authorities to reconsider China’s food management system. What they found was that a lack of coordination in the development, interpretation, and enforcement of food safety standards had weakened regulatory oversight and created systemic vulnerabilities. Consequently, China’s policy leaders set out to streamline government supervision, unify food safety standards, and toughen penalties for non-compliance. More recent refinements accentuated the shift toward a more vertical, product-oriented structure to China’s food safety management system.

### **I. Background**

#### **i. Command and Control Supervision**

The People’s Republic of China’s initial foray into food regulation in the late 1960’s was limited to a focus on production. Influenced by earlier periods of famine, government policy dictated the pace of production to eliminate shortages of staple foods. The products were basic and mostly consumed domestically. However, beginning under Deng Xiaoping’s leadership in the late 1970’s, a policy shift towards economic modernization and increased participation in global commerce emerged.

#### **ii. Reform and Opening Up**

As market forces entered through China’s increasingly open door, it transformed domestic food production. The government began to relax its strict command and control of agricultural production, and prices and profits started to factor into farmers’ decisions. Farmers decided what to keep on-farm and what to sell at market. These options, in turn, stimulated further distribution through small food stalls and businesses which processed and distributed local products. Over time, China’s farm and food production increased, elevating its agriculture economy from nascent, local-based production and consumption into value-added products moving within China and across borders.

As China’s economy progressed, however, cracks in the economic veneer began to show. Growing complexity in the food supply chain weakened its integrity. Millions of small producers, with little knowledge of food safety or good manufacturing practices, began using new inputs and technologies to boost output. In turn, food products flowed to an ever-expanding consumer base over a widening distribution network. Improper hygiene practices, food contamination, and harmful substances in food products and containers threatened consumers’ health, and by extension, producers’ profits. In addition, China’s food producers also faced hygiene control problems in foreign markets. Food product rejections in major export destinations, such as Europe and Japan based on illegal drug and pesticide residues, indicated that China needed to elevate its food production standards.

### iii. Hygiene Supervision

Loss of external market access and revenue spurred China's reevaluation of many sanitary and technical food safety standards in the mid 1990's. This work included establishing national-level requirements to improve the hygienic quality of foods, particularly the control of pesticide, additive, and fumigant residues.<sup>1</sup> However, many producers, transporters, processors, and traders were left to work out the details of implementing the new requirements on their own. A two-track food safety and inspection system was set up. Local-level health departments had oversight responsibility for domestic products and a national-level inspection agency had control over exported foods. This system was void of a central government authority to supervise, coordinate, and enforce new protective controls.

### iv. State Council assigns step-specific Ministerial supervision

In 2004, building on food system modifications associated with its 2001 WTO accession, and in response to escalating problems in regulating farming practices, food processing technology, and product distribution, the State Council devised a horizontal, production-step oversight system, assigning supervisory responsibility as follows<sup>2</sup>:

- Ministry of Agriculture (MOA) – primary agriculture production (livestock, crops...)
- AQSIQ<sup>3</sup> –quality and hygiene of domestic food processing, and inspection of imported/exported agricultural and other foodstuffs
- State Food and Drug Administration (SFDA) – food service/catering
- State Administration of Industry and Commerce (SAIC) – food product distribution

This production-step oversight system contrasted with a vertical, process-oriented system in which one department supervises production from farm to fork. China continued to develop this regulatory system and by 2009, had instituted over 2,000 national standards, 2,900 industrial standards, and over 1,200 local standards on food, food additives, and food-related products.

Yet, despite this regulatory guidance severe food safety incidents, such as the 2008 adulterated milk scandal, exposed ongoing regulatory weaknesses. Experts pointed to the absence of ministerial-level oversight and overlapping, redundant, or missing food safety standards as the key problems.

Inconsistent interpretation and uneven application of food safety standards coupled with insufficient penalties exacerbated these problems. Additionally, China lacked legal and civil-society support and watchdog systems, such as industry associations, consumer product laws, and independent media, and appropriate legal redress, which supplement and encourage voluntary compliance with production best-practices.

Ongoing, worldwide attention to China's food safety problems spurred another internal reassessment by Chinese regulators. In 2009, China replaced its *Food Hygiene Law* with new legislation designed to

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<sup>1</sup> See The Food Hygiene Law of the PRC at: <http://www.cnca.gov.cn/rjwzcjgb/flfg/images/20061016/476.pdf>  
Decision of the State Council Further Strengthening Food Safety at

<sup>2</sup><http://www.lawinfochina.com/display.aspx?lib=law&id=3739&CGid=>

<sup>3</sup> General Administration of Quality Supervision, Inspection and Quarantine

promote safe production and streamline governmental supervision and enforcement. The new *Food Safety Law*<sup>4</sup> added to the existing *Law on Agricultural Product Quality Safety*<sup>5</sup> formed the legal framework for food safety management in China.

## II. Food Safety Law

### i. Moving towards Oversight Cohesion

#### a. Food Safety Commission

China's new *Food Safety Law* targeted the elimination of regulatory flaws and the incorporation of external influences, such as increased public input and stronger criminal penalties, to reinforce the new measures. From the regulatory perspective, a key component of strengthening food safety management was improving ministerial coordination. Thus, the State Council created a central governing body, the Food Safety Commission (FSC), to manage all government food safety work. FSC members, including three vice-premiers and a dozen minister-level officials, in theory had the political weight to marshal linkages amongst the different ministries regulating various steps in food production. The FSC met twice a year for discussion on significant issues.

The establishment of the FSC also changed the pattern of food safety work at the local level. Previously, ministerial offices operating at the local and provincial levels answered directly to the central government, thus bypassing local officials. After FSC's creation, municipal governments oversee the work of local agencies of relevant central government ministries. Food safety is also now a factor in the State Council's annual assessment of local government performance.

#### b. Food Safety Standards Unification

In addition to enhancing central control, the government also took the position that clearer standards and procedures would resolve food safety problems. To accomplish this, the State Council charged the Ministry of Health (MOH) with unifying relevant quality and safety standards related to edible agricultural production by 2015, including the review of over 1,000 veterinary/pesticide residue limits and testing methods and 3,500 food safety standards (among which 850 are mandatory standards)<sup>6</sup>. Furthermore, MOH was to identify missing standards and develop new national standards where none had previously existed. The *12th Five Year Plan of National Food Safety Standards*<sup>7</sup> placed particular emphasis on food standards for grains, vegetable oil, meat products, milk and dairy products, alcoholic liquors, spices, and beverages. Moreover, the national food safety standards were to be formulated based on risk assessment, reference relevant international standards, and consider input from non-government sources.

### 1. Food Safety Standards Structure

China's food safety standards system is composed of four levels, with national standards outranking the other levels, and each descending level outranking the lower level:

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<sup>4</sup> See at: <http://www.fas.usda.gov/gainfiles/200903/146327461.pdf>

<sup>5</sup> See at: [http://english.gov.cn/laws/2005-10/09/content\\_75375.htm](http://english.gov.cn/laws/2005-10/09/content_75375.htm)

<sup>6</sup> MOH Public Notice of "Working Plan of Food Safety Standard Review" released on October 10, 2012.

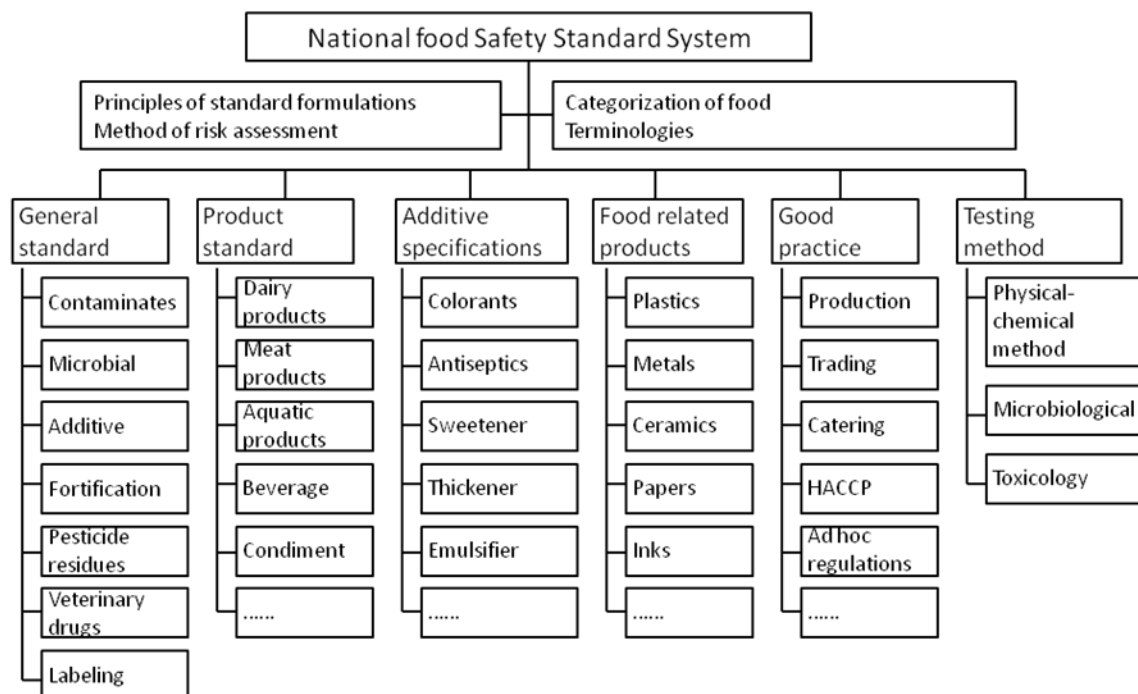
<sup>7</sup> See at:

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/12th%20Five%20Year%20Plan%20for%20National%20Food%20Safety%20Standard-final\\_Beijing\\_China%20-%20Peoples%20Republic%20of\\_6-28-2012.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/12th%20Five%20Year%20Plan%20for%20National%20Food%20Safety%20Standard-final_Beijing_China%20-%20Peoples%20Republic%20of_6-28-2012.pdf)

- a. National Standards - mandatory or voluntary. Mandatory national standards involve the protection of human health, property and safety; voluntary standards fall outside these areas. Mandatory national standards are prefaced by “GB”; voluntary standards are prefaced by “GB/T”. National Standards are often broad in nature and are developed through implementing regulations, decrees, and notices.
- b. Professional Standards – technical requirements developed when no national standard exists for a specific industry.
- c. Local Standards - developed at the local level for safety and sanitary requirements of industrial products in their area when no national or professional standard exists. They are delineated as either mandatory “DB” or voluntary “DB/\*T.”
- d. Enterprise Standards – developed by an individual company when no other Standard exists.

Food safety standards are classified according to the various factors that influence the safety and quality of a food product throughout the production chain.

## National Food Safety Standard System



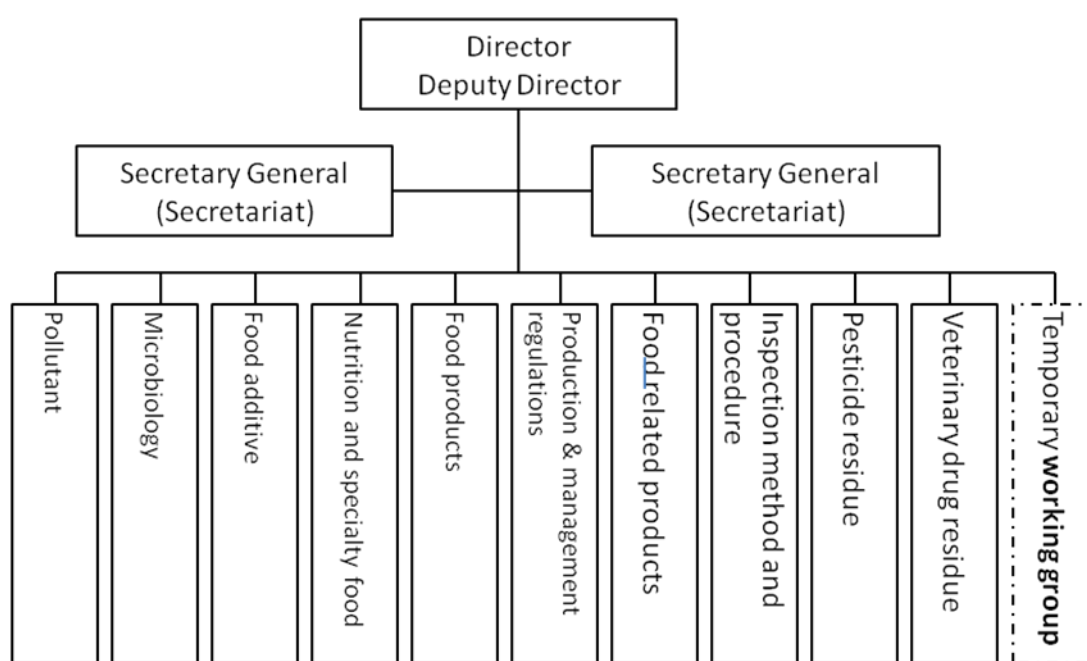
Source: Presentation by MOH Director General Su Zhi, International Symposium on Food Safety Risk Assessment, Beijing, September 2012.

## 2. Food Safety Standard Development

MOH Decree 77, *Administrative Measures for National Food Safety Standards*<sup>8</sup>, sets out the process MOH follows for national food safety standard review and development. For example, MOH solicits public comment and accepts standard proposals (from many sources, including individuals, associations, and educational and technical institutions) to develop an annual standards work plan. MOH publishes the list on its website by the end of the year and thereafter, assigns an appropriate technical entity to draft and submit the preliminary standards.

MOH's National Food Safety Standard Evaluation Committee, composed of 350 experts covering 10 areas – veterinary drug residue, pesticide residue, inspection method and procedure, food-related products, production and management regulation, food products, nutrition and special dietary food, food additive, microbiology, pollutants—reviews the science behind and the applicability of the draft national food safety standards.

## National Food Safety Standard Evaluation Committee



10 sub-committees, 350 experts

Source: Presentation by Director General Su Zhi in the International Symposium on Food Safety Risk Assessment held in Beijing in September 2012.

MOH's Bureau of Food Safety Supervision, Department of Law and Policy, and National Center for Food Safety Risk Assessment Center (CFSA), also provide relevant input during the internal review of the draft national standard. Public comments, often through the WTO, can be solicited. Final rules are published on the MOH website.

A significant portion of China's work since 2009 has concentrated on general standards by establishing limits for harmful substances in food, pesticide and veterinary medicine residues, food additive and food nutrition fortification use, and prepackaged food labeling and food packaging materials.<sup>9</sup>

Within the products category, China's focus has been to tighten government supervision of product characteristics with known safety breaches,<sup>10</sup> and potential risks for high consumption categories, such as meat, vegetable oil, spices, infant food, dairy, alcoholic beverages, food additives, aquatic products, grains, and beans and other staple foods. Another area of sustained attention since 2009 has involved additive specifications (there are over 200 national food safety standards on food additives). Good production practices<sup>11</sup> and testing standards<sup>12</sup> have also been under review and development.

Since the implementation of the *Food Safety Law*, China has released over 300 national food safety standards covering dairy, food additive use, compound food additives, fungi and toxin limits, prepackaged food label and nutriment labels, pesticide residue limits and some food additives.

## ii. Registration and Administrative Filing

The 2009 *Food Safety Law* also required increased attention to traceability of foreign product sources. In 2012, China introduced two new requirements to fulfill this purpose. First, as of May 1, 2012, according to the *Provisions on Administration of the Registration of Overseas Production Enterprises for Imported Food*<sup>13</sup>, China updated its foreign food enterprise registration system. Administered by AQSIQ's Certification and Accreditation Association (CNCA), it requires foreign food enterprises producing particular products to register with CNCA before the food can be imported into China. The measure applies to enterprises producing, processing and storing food.

CNCA is implementing the registration requirements commodity by commodity and currently only two categories of products are subject to the facility registration, meat and seafood<sup>14</sup>. Dairy facility registration is scheduled for implementation in 2013 (U.S. products are undergoing a pilot program scheduled for implementation June 1, 2013). Alcoholic beverage facilities are expected to be subject to facility registration in the near future.

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<sup>9</sup> Some important examples of legislation since 2009 include: Standard for Uses of Food Additives (GB 2760-2011), Maximum level of Mycotoxins in Food (GB 2761-2011), Standard for the Labeling of Prepackaged Foods (GB 7718-2011), Standard for Blended Food Additives (GB 26687-2011), Standard for Nutrition Labeling of Prepackaged Foods (GB 28050-2011), Maximum Levels of Contaminants in Foods (GB 2762—2012), Maximum Residue Limits for Pesticides in Food (GB 2763-2012), and Standard Regarding Nutritional Fortification Substances in Foods (GB 14880-2012).

<sup>10</sup> Examples of key standard integration since 2009 include: more than 60<sup>+</sup> dairy products standards, *Honey* (GB 14963-2011), *Quick Frozen Flour and Rice Products* (GB 19295-2011); *Distilled Spirits and Their Integrated Alcoholic Beverages* (GB 2757-2012); *Fermented Alcoholic Beverages and their Integrated Alcoholic Beverages* (GB 2758-2012).

<sup>11</sup> Examples include *Good Manufacturing Practice for Dairy Products* (GB 12693-2010) and *Good Manufacturing Practice for Powdered Formula for Infants and Young Children* (GB 23790-2010)

<sup>12</sup> For food testing, the government has been reviewing standards of testing methods for various pollutants, fungi and toxin, pesticides, veterinary residues, food additives, and the improvement of standards on toxicological safety evaluation procedures and testing methods. Some examples include *Determination of Fat in Foods for Infants and Young Children* and *Raw Milk and Dairy Products* (GB 5413.3-2010).

<sup>13</sup> See:

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Registration%20of%20Overseas%20Manufacturers%20of%20Imported%20Food%20\(Final\)\\_Beijing\\_China%20-%20Peoples%20Republic%20of\\_4-6-2012.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Registration%20of%20Overseas%20Manufacturers%20of%20Imported%20Food%20(Final)_Beijing_China%20-%20Peoples%20Republic%20of_4-6-2012.pdf). The notice can also be found at: [http://www.aqsiq.gov.cn/zwgk/jlqg/zjgg/2011\\_1/201207/t20120713\\_225385.htm](http://www.aqsiq.gov.cn/zwgk/jlqg/zjgg/2011_1/201207/t20120713_225385.htm)

<sup>14</sup>



Second, as of October 2012, overseas food exporters/importers must register through an e-platform with CNCA prior to importing food products.<sup>15</sup> This public record compiles the list of importers, exporters, agents or overseas food producers providing food products to China to improve traceability in case of food safety incidents. The e-platform can be found at <http://ire.eciq.cn/>.

### iii. Increased Risk Monitoring

To further enhance its system oversight, the FSL also identified the elevation of its national risk monitoring system, including improvements in surveillance, assessment and alerts, as key objectives.

#### a. Surveillance

Surveillance systems improve the detection of indicators of food-borne disease, food contamination and harmful substances in food. The surveillance work is administered and reviewed by MOH's Center for Food Safety Risk Assessment (CFSA), and consists of surveillance centers at the national, provincial and local levels. This center, created in 2011, has a multi-ministerial board, including representatives from MOH, SFDA and AQSIQ, intended to create independence and freedom to provide scientific advice across the government.

#### b. Inspection and Testing

From 2006 to 2010, China invested RMB5.5 billion (approximately \$880 million) in establishing, upgrading, and improving inspection and testing capacities for agriculture, food and drug surveillance systems. At the end of 2010, there were more than 6,300 institutes with food testing capabilities and more than 64,000 inspectors and testing analysts. This increased number of testing facilities and trained technicians has raised the inspection coverage and increased the sampling for food and grain, rice, flour, oil, vegetables, meat and dairy products, eggs and aquatic products.

### iv. Food Incident Response System

China is also developing its food safety incident system. The plan is that food producers and traders must report all non-compliant food products, institute a recall, and create a record of recalls and notifications. In case an establishment failed to do so, the government could institute the recall as well. In January 2013, MOH released a *Trial Plan to Respond to Food Safety Incidents*. The plan identified four levels of food safety incidents (very significant, significant, serious and general), and specified responses for very significant incidents. Furthermore, the plan identified government agency responsibilities in emergency response, as well as members of different task forces and teams (for coordination, treatment, analysis, investigation and communication). The government pledged to guarantee resources needed for emergency response, including an information network, training, supplies and funds.

#### v. Information Outreach

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<sup>15</sup> See:

[http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Registration%20Required%20for%20Foreign%20Food%20Product%20Exporters\\_Beijing\\_China%20-%20Peoples%20Republic%20of\\_6-29-2012.pdf](http://gain.fas.usda.gov/Recent%20GAIN%20Publications/Registration%20Required%20for%20Foreign%20Food%20Product%20Exporters_Beijing_China%20-%20Peoples%20Republic%20of_6-29-2012.pdf), also GAIN report 12057.

The FSL also required the establishment of an integrated food safety information disclosure system and MOH's outreach to the public to raise awareness and knowledge about food safety issues in ongoing. These efforts are critical to increasing the confidence of a public weary of food safety scares and pessimistic about the effectiveness of the government's risk management.<sup>16</sup>

China also interacts with international standards-related bodies, such as CODEX, where it chairs the Codex Committee on Pesticide Residues and Codex Committee on Food Additives, Asian Pacific Economic Committee-Partner Training Institute Network Food Safety Committee, WTO and OIE meetings.

#### vi. Tougher Penalties

While there are over a dozen ministries which touch upon food safety regulation,<sup>17</sup> the 2009 law gave five ministries/administrations enforcement powers, including MOA, AQSIQ, SAIC, SFDA and MOFCOMM. Private remedies within China's legal system, however, are lacking and often cited as a shortcoming of food safety enforcement. China's tort law system is underdeveloped and underutilized. Provincial penalties fail to impose damages, fearing job and revenue losses to local food processors, at a level which would change behavior.

To rectify this, the FSL (and Criminal Law) amendment tightened both civil and criminal penalties for food producer and distributor practices that violate the laws. Managers can be banned from food production management for five years. Food processors safety records will be made public and the worst violators will be placed on a black list and subjected to heavier punishments. Consumers may also claim civil punitive damages up to 10 times the price of the food product involved.

### III. Assessment of Food Safety Law

Three years after passage of the *Food Safety Law*, the State Council published a National *Food Safety Supervision System* plan for 2012-2017.<sup>18</sup> In reviewing progress to date, the document noted the improvement in national government coordination, clarification in food safety standards, increase in surveillance, inspection and testing capabilities, development of emergency response measures and implementation of stiffer penalties.

The plan concedes, however, that challenges remain.

- Overall supervision still uncoordinated. The food safety supervision system still centers around step-specific supervision and is supported by variety-specific supervision with a number of supervisory procedures. The division of responsibilities is vague.

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<sup>16</sup> (See: [http://english.gov.cn/2012-06/13/content\\_2160318.htm](http://english.gov.cn/2012-06/13/content_2160318.htm))

<sup>17</sup> Ministry of Health (MOH), National Reform and Development Commission (NDRC), Ministry of Science and Technology (MOST), Ministry of Industry and Information Technology (MIIT), Ministry of Finance (MOF), Ministry of Agriculture (MOA), Ministry of Commerce (MOFCOMM), State Administration of Industry and Commerce (SAIC), State Administration of Quality Supervision and Quarantine (AQSIQ), State Administration of Grain (SAG), State Food and Drug Administration (SFDA), National Standards Committee (NSC), Certification and Accreditation Administration (CNCA), State Council Food Safety Office.

<sup>18</sup> See [2012] No. 36 of the General Office of the State Council, June 28, 2012

- Weak capacities. Food safety supervisory departments at all levels, especially the basic level, still have problems with insufficient personnel, outdated facilities, and low testing capabilities on the front line. The inspection and testing capabilities cannot meet the need for food safety supervision and have difficulty ensuring comprehensive technical support for food safety.
- Regulatory support needs to be improved. Implementing regulations for the Food Safety Law are still needed and there is poor coordination between related laws and regulations. The system still has insufficient, outdated, repetitive and contradictory food safety standards. The work that has been done to date to consolidate and amend the standards has not kept pace with needs.
- Risk surveillance assessment and science and technology supporting capabilities lacking. The surveillance system is still inadequate, food safety risk assessment capabilities are still too weak, and more professional technicians are needed to enhance the systematic risk prevention capacities overall. Other problems include insufficient systematic research on food safety regulations, food safety management theories and methods, inspection and testing methodology and equipment, and process control technology, insufficient pre-application safety assessment of scientific research findings, lack of basic data, and weak food safety risk evaluation.
- Improve food safety awareness. Increased awareness of legal liabilities of food production companies for committing illegal activities as well as the need for food safety training is still needed. Increase the public's food safety awareness and basic knowledge with enhanced food safety related publicity and education.

To address these problems, the State Council committed itself to a comprehensive food safety supervision system that focuses on prevention, process coverage, clear division of responsibilities, coordination and high efficiency, with stable food quality and safety conditions for rice, flour, oil, vegetables, meat, dairy products, eggs and aquatic products. To achieve this level of food safety, the State Council committed to the following goals by 2017:

1. Establish county and above-level governmental comprehensive food safety coordination mechanisms and related institutions.
2. Improve the food safety standard system. Consolidation of existing quality and safety standards for edible agricultural products, food hygiene standards, food quality standards, and related food industry standards must be completed.
3. Boost risk control capabilities and establish a preventive system based on risk assessment. Increase the number of surveillance points from 344 to 2,870, the number of hospitals in the food-borne surveillance network from 312 to 3,120, the number of samples covered by national routine surveillance and testing of vegetable, fruit, tea, fresh dairy, egg, aquatic product and feed to 3 tons per 10,000 tons and 3 head per 10,000 head for livestock and poultry, respectively. The scope of surveillance sampling has expanded to cover all medium and large-sized cities and main production districts nationwide.

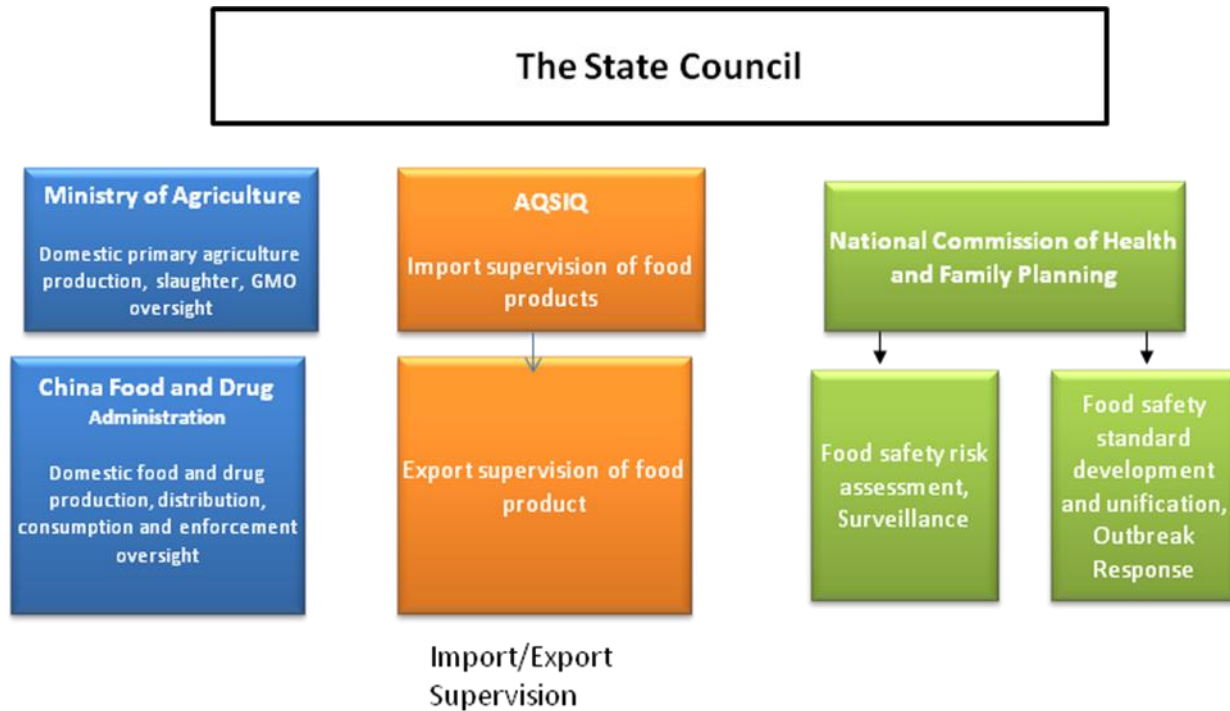
4. Organize the national risk assessment institutes to become food safety authority technical support institutes with reasonable talent structure, sufficient technology reserve, strong scientific credibility, and international influence to comprehensively fulfill technical assurance responsibilities including food safety risk surveillance, assessment, alert and exchange.
5. Improve food safety testing capacities to enable them to adequately support supervision.
6. Register overseas food production enterprises, exporters, and agencies exporting into China with the national exit/entry inspection and quarantine authorities. Further improve source information, process supervision, and product sampling of the imported food supervision system.
7. Establish credit files of food producers using electronic credit reports for large-scale food production enterprises, and medium or large-sized restaurants, school dining halls, central kitchens, and group catering providers.
8. Organize an electronic dairy traceability system covering all infant formula and raw milk powder producers. An electronic meat and vegetable traceability system must be established covering cities with more than one million or more population as well as cities in western China with more than 500,000 or more population. Establish an electronic wine product traceability system.
9. Improve food manufacturer's credit and legal awareness and quality safety management capacities as well as the general public's food safety awareness and knowledge.

#### **IV. More Comprehensive Centralization**

In order to provide more comprehensive, coordinated food safety oversight, in March 2013, China's leadership restructured regulatory responsibilities. The State Council decision collapsed the broad step-specific oversight system and created a streamlined domestic food safety structure consisting of MOA, a China Food and Drug Administration (CFDA) and a National Health and Family Planning Commission (NHFPC).

Under the new plan, MOA remains responsible for the quality and safe production of primary agriculture products and assumes supervision of swine slaughter from MOFCOM.

A new, ministry-level CFDA has comprehensive, vertical authority over the production, distribution and consumption of domestic food and drug products. The CFDA will absorb the FSC and SFDA (catering) functions and will assume the domestic food processing and retail distribution functions from AQSIQ and SAIC. (Note: Import/export food safety supervision is expected to remain under AQSIQ.) The newly created NHFPC, combining the former Ministry of Health and the Commission of Family Planning, is expected to remain responsible for food safety risk assessment and national food safety standard establishment. The impact of this increased centralization of oversight remains to be seen.



**China Food Safety Regulatory System – 2013**

## V. Conclusion

Since 2009, China has made significant strides in implementing changes to its food safety supervision system. Ministerial oversight inconsistencies, resulting from a hitherto step-specific, rather than product-driven, supervision process in an uncoordinated framework, are being streamlined to increase coordination. Oversight will also be enhanced as the local and provincial governments establish their own accountable and comprehensive food safety coordination mechanisms.

Systemic issues with overlapping, repetitious, and missing legislation have been acknowledged and a remedial process to unify standards is progressing. The Ministry of Health, now part of the National Health and Family Planning Commission, will continue to advance food safety standard work. In the past three years, over 300 national food safety standards covering a broad spectrum of areas, including, dairy, food additive use, compound food additives, fungi and toxin limits, prepackaged food and nutrient labeling, pesticide residue limits and some food additives, have been implemented. Food standards on grains, vegetable oil, meat products, milk and dairy products, alcoholic liquors, spices and beverages, have been unified.

Supporting systems of surveillance, recall and public outreach are under development to bolster legislative efforts and to reassure consumers that China is serious about increasing its level of food safety protection. Stronger criminal penalties are expected to improve compliance as well. Despite the admirable efforts, more needs to be done by China in this area, and more changes are surely on the

medium- to long-term horizons. Time will tell whether these efforts and policies will support a return of consumer confidence in the safety of China's food products.

## **Appendix**

### Key Food Safety Documents:

1987

- Metrology Law (02-01-87)
- Frontier Health and Quarantine Law (05-01-87)

1989 Standardization Law

1992 Law on Entry-Exit Animal and Plant Quarantine (04-01-92)

1994 Law of the PRC on the Rights and Interests of Consumers (01/01/94)

1995 Food Hygiene Law (10/30/95)

1997 Criminal Law (03/14/97)

2002 Law on Import and Export Commodity Inspection

2006 Agricultural Product Quality Law (11/01/06)

2007

- State Council Food Improvement Plan (02/06/09)
- State Council White Paper on The Quality and Safety of Food in China (August)

2009

- Food Safety Law (06/01/09) (GAIN CH9019)
- MOH Circular on the Relevant Issues on Implementation of the Food Safety Law (06/05/09)
- Implementation Rules of the Food Safety Law of the PRC (07/20/09)

2010

- Administrative Measures for National Food Safety Standards (May 5, 2010)
- Ministry of Health Decree #77 (October 20, 2010)

2012

- 12<sup>th</sup> Five Year Plan on National Food Safety Standards (June 11, 2012)
- 12<sup>th</sup> Five Year Plan of the National Food Safety Supervision System (June 28, 2012)

2013

- 12<sup>th</sup> National People's Congress Decision to Restructure Ministries and Create the China Food and Drug Administration

### Acronyms:

AQSIQ (General Administration of Quality Supervision, Inspection and Quarantine)

MIIT (Ministry of Industry and Information Technology)

MOFCOMM (Ministry of Commerce)

SAIC (State Administration of Industry and Commerce)

SFDA (State Food and Drug Administration)  
CNCA (Certification and Accreditation Association)  
MOH (Ministry of Health)  
CODEX (Codex Alimentarius Commission)  
WTO (World Trade Organization)  
OIE (World Organization for Animal Health)  
PRC (People's Republic of China)  
GAIN (Global Agriculture Information Network)  
CFSA (Center for Food Safety Risk Assessment)  
CFDA (China Food and Drug Administration)